

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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ANNETTE VOGELFANG,

Plaintiff,

- against -

RIVERHEAD COUNTY JAIL, et al.,  
Defendants.  
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**ORDER**

CV 04-1727 (SJF) (JO)

**JAMES ORENSTEIN, Magistrate Judge:**

By letter dated July 27, 2005, Plaintiff Annette Vogelfang once again complains about the behavior of opposing counsel. This time, the subject is a letter from counsel to the Superintendent of the Bedford Hills Correctional Facility stating that Ms. Vogelfang's letters to counsel have been marked as "Legal Mail" and clarifying the nature of the relationship between Ms. Vogelfang and counsel. Ms. Vogelfang objects to the fact that counsel did not send copies to her or to me, and complains that counsel is "going out of her way to wreak havoc in [her] life," is "trying to violate [her] constitutional right of access to the courts" and is doing so "maliciously." She asks me to "write to the jail and explain that any & all mail to the U.S. District Court & department of law is in fact legal correspondence," and threatens to file further litigation "if this matter is not rectified." Docket Entry 46.

Counsel's letter was not part of this litigation of this case, and therefore no copy was required to be provided to Ms. Vogelfang or the court. Further, the letter accurately stated that counsel's office does not represent Ms. Vogelfang and that communications between them are not protected by the attorney-client privilege. There was nothing improper in counsel so informing the Superintendent, and no legitimate interest of Ms. Vogelfang was harmed thereby. I do not know if the "Legal Mail" notation implies that the contents of a letter are privileged, but if

it does, ensuring that the notation is not used incorrectly can only help to safeguard security at the correctional facility. If it does not, then counsel's letter by itself would not have any effect on Ms. Vogelfang's mail privileges.

For the reasons stated above, Ms. Vogelfang's application for relief is DENIED. In addition, I caution Ms. Vogelfang that if she continues her practice of sending multiple letters containing baseless accusations, threats of litigation, and plainly meritless requests for relief, all of which imposes needless burdens on opposing counsel and the court, I will consider a recommendation to the assigned district judge that the court prohibit her from filing further lawsuits or applications for relief without advance written permission from the assigned magistrate judge.

Counsel for the defendants is directed to serve a copy of this order on plaintiff upon receipt and file proof of service of the same.

**SO ORDERED.**

Dated: Central Islip, New York  
August 3, 2005

/s/ James Orenstein  
JAMES ORENSTEIN  
U.S. Magistrate Judge